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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
VALERIAN DOBRE,)
)
Defendant.)

No. CR 07-0560 JSW

STIPULATION AND [PROPOSED] ORDER
TO EXCLUDE TIME AND TO CONTINUE
HEARING DATE

SAN FRANCISCO VENUE

The parties in the above-titled case, including the defendant, request and agree that the hearing date currently scheduled for January 24, 2008 be continued to February 28, 2008 at 2:30 p.m. for a status hearing. The parties, including the defendant, also agree that time should be excluded under the Speedy Trial Act from January 24, 2008 to February 28, 2008 under 18 U.S.C. § 3161(h)(8)(A)(and (B)(i) and(iv). The requested continuance from January 24, 2008 to February 28, 2008 is necessary as defense counsel needs to withdraw from the case due to physical health reasons related to his back. Due to these health reasons, defense counsel has been unable to travel from Los Angeles to San Francisco to meet with his client and would not be able to adequately represent his client for an extended period of time. Defense counsel is planning on setting a hearing

STIPULATION AND [PROP.] ORDER
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before Magistrate Judge Elizabeth D. Laporte on January 28 or 29, 2008 for change of counsel. The requested continuance is required for new defense counsel to be appointed, to review the evidence, and to evaluate the case. Thus, the parties agree, and the Court finds and holds, that failure to grant a continuance would unreasonable deny new counsel for the defense the reasonable time necessary for effective preparation, taking into account the exercise of due diligence, and failure to grant such a continuance would result in a miscarriage of justice. See 18 U.S.C. § 3161(h)(8)(B)(i) and (iv). Finally, the parties agree, and the Court finds, that the ends of justice served by excluding the period from January 24, 2008 to February 28, 2008, outweigh the best interest of the public and the defendant in a speedy trial. See 18 U.S.C. § 3161(h)(A). Accordingly, the Court sets a new hearing date on February 28, 2008, and orders that the period from January 24, 2008 to February 28, 2008, be excluded from Speedy Trial Act calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(i) and (iv).

IT IS SO STIPULATED.

DATED: January 23, 2008

_____/s/_____
CHRISTINA HUA
Assistant United States Attorney

DATED: January 23, 2008

_____/s/_____
J.T. FOX
Attorney for Defendant Valerian Dobre

IT IS SO ORDERED. For all the reasons set forth above, the time from January 24, 2008 to February 28, 2008 shall be excluded from Speedy Trial Act calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(i) and (iv), as the ends of justice outweigh the interest of the public and the Defendant in a speedy trial. The parties shall appear on February 28, 2008 at 2:30 p.m. for a status hearing.

DATED: _____

JEFFREY S. WHITE
United States District Judge